

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

(1) JOSE LARIOS,
(2) RAFAEL TORRES, and
(5) XINGRONG WU, a/k/a “Danny,”
Defendants.

Case No. 21-CR-10118-IT

GOVERNMENT’S MOTION PURSUANT TO *UNITED STATES V. RENGIFO*
REGARDING ENGLISH-LANGUAGE TRANSLATIONS OF SPANISH RECORDINGS

The United States of America, by its undersigned attorneys, respectfully moves for leave to introduce into evidence at trial (1) copies of original recordings of the defendants, Jose Larios, and Rafael Torres, which are in Spanish; (2) copies of original recordings of coconspirators Alejandro LNU, Marco Jauregui, and Jose Vega-Aponte, which are in Spanish; (3) copies of text messages and voice notes from the defendants’ and co-conspirators’ telephones, which are in Spanish; and (4) English translations of those recordings and messages. The government further requests leave to read into evidence all or part of the English translations.

As grounds for the motion, the government states as follows:

In *United States v. Rengifo*, the First Circuit Court of Appeals held that a properly authenticated transcript of a foreign-language recording may be admitted as substantive evidence and provided to the jurors during deliberations. 789 F.2d 975, 983 (1st Cir. 1986). The First Circuit further held that the government’s use of readers to read the transcripts, rather than play the recordings, “[does] not change the essential nature of the transcript evidence” and is therefore permissible. *Id.*

The government has prepared English translations of these recordings and messages and has provided those translations to defense counsel. If necessary, the government will introduce evidence at trial concerning the authenticity of the recordings and the accuracy of the translations.

The government respectfully requests that its motion for leave to introduce into evidence at trial copies of the Spanish-language recordings and the English translations of those recordings, and to read into evidence all or part of the English transcripts, be allowed.

Respectfully submitted,

JOSHUA S. LEVY
Acting United States Attorney

By: /s/ Stephen W. Hassink
Leah B. Foley
Stephen W. Hassink
Assistant United States Attorneys

Date: June 20, 2023

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Stephen W. Hassink
Stephen W. Hassink
Assistant United States Attorney

Date: June 20, 2023